GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Municipal Administration & Urban Development Department – Municipal Elections – Reservation of seats, Reservation of Offices of Chairpersons/Mayors in the Municipalities/Nagarapanchayats and Municipal Corporations respectively – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (G) DEPARTMENT

G.O.Ms.No.113 **Dated:02.03.2020**
Read the following:-

(1) From the C&DMA, Guntur, Lr.RoC.No.13021/70/2019/D, Dt.02.03.2020.
(2) Judgment of the Hon'ble High Court of AP in WP (PIL) No.2/2020, dated 02.03.2020.

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ORDER

In the letter 1st read above, the Commissioner & Director of Municipal Administration, A.P, Guntur has informed that in the A.P. Municipalities Act, 1965, the Municipal Corporations Act, 1955, Visakhapatnam Municipal Corporation Act, 1979, Vijayawada Municipal Corporations Act, 1981 and in The A.P. Municipal Corporation Act, 1994 and in the Rules relating to reservation for the purpose of Election to the Seats in Municipalities & Municipal Corporations and the Offices of Chairpersons in the Municipalities and Mayors in the Municipal Corporations issued there under, provision is made for reservation to the Offices of Members, Chairpersons and Mayors to the SC, ST, BC and Women for the purpose of conduct of ordinary elections to the Municipalities/Nagarpanchayats and Municipal Corporations in the State.

2. The Commissioner & Director of Municipal Administration, Guntur has further informed that as per the judgement of the Hon'ble Supreme Court of India in W.P.(Civil) No.356 of 1994 "The upper ceiling of 50% vertical reservations in favour of SC/ST/OBCs should not be breached in the context of local self-Government. Exceptions can only be made in order to safeguard the interests of Scheduled Tribes in the matter of their representation in Panchayats located in the Scheduled Areas. Further, the Hon'ble High Court passed orders, very recently, staying the orders issued by the Government in PR&RD Department vide G.O.Ms.No.176, dated 28.12.2019 as the reservations made exceeded the upper ceiling limit of 50%.

3. Further, the Commissioner & Director of Municipal Administration, Guntur has informed that to restrict the reservations to the ST, SC & BCs to 50%, the reservations in respect of Scheduled Castes and Scheduled Tribes concerned, there cannot be any deviation, as the reservations are provided to the ST & SC in the proportion of their population according to Article 243D of the Constitution of India. In the case of Backward Classes, there is no constitutional requirement for providing a particular percentage of reservation.

(PTO)

4. Further, the Commissioner & Director of Municipal Administration, Guntur has informed that as per the provisions in Section 24 of APM Act, 1965 and rules issued there under, the reservation to the offices of the Chairperson, shall be allotted by rotation to different Municipalities in the state and similarly as per Section 14(A) of AP Municipal Corporation Act, 1994 and the AP Municipal Corporations (Reservation of offices of Mayor) rules 1995, the reservation to the offices of the Mayor, shall be allotted by rotation to different Municipal Corporations in the state. Since there is a change in the reservation percentage fresh cycle for reservation to the offices of Chairperson/Mayor need to be adopted.

5. In view of the above, the Commissioner & Director of Municipal Administration, Guntur has requested the Govt., to issue necessary orders in this regard.

6. Government after careful examination of the matter and also in the light of the judgement of the Hon'ble High Court of A.P., in the reference 2nd read above hereby order the following:

(i) if the aggregate number of seats to be reserved for SC, ST and BC categories in the Municipalities/Nagarpanchayats and Municipal Corporations, put together exceeds 50% in total, then the seats allotted to the Backward Classes shall be restricted to such percentage, so as to maintain the aggregate reservations not exceeding the upper ceiling of 50%.

(ii) to adopt fresh cycle for reservation to the Offices of Mayor/Chairperson, consequent on change in the reservation percentage.

7. The Commissioner & Director of Municipal Administration, A.P, Guntur shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

To
The Commissioner & Director of Municipal Administration, A.P., Guntur.
The Secretary, AP State Election Commission, Vijayawada.
Copy to:
The P.S to Addl. Secretary to Chief Minister.
The P.S to Minister MA&UD Dept.
The P.S to Secretary, MA&UD Dept.
The Secretary, Law (A) Department.
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER